

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

08 AUG -5 PM 10:19

UNITED STATES OF AMERICA, et al., : CASE NO. C-1-02-107
Plaintiffs, : JUDGE S. ARTHUR SPIEGEL
-VS- : MAGISTRATE HOGAN
BOARD OF HAMILTON COUNTY : **REQUEST FOR REVIEW**
COMMISSIONERS, et al., :
Defendants. :

I, Katherine Schnur, request that the Court review my Water-in-Basement claim, pursuant to the Court's February 2, 2006, Order. Attached hereto is the information detailing the nature of my dispute.

Respectfully submitted,

Katherine Schnur
Signature

Katherine Schnur
Name (print)

07/26/08
Date

INFORMATION FOR REQUEST FOR REVIEW

Name:

Katherine Schuur

Address:

3110 Murdock Avenue
Cincinnati Ohio 45205

Phone:

(513) 386-7894

Nature of dispute and description of your disagreement (attach additional pages if necessary):

On 3/18/08 my basement flooded. I called MSD, they drained it by pump. ~~the~~ Water continued to come up through the drain eventually leading to MSD digging up the street and fixing a busted pipe. I was assured by all MSD employees I spoke with that I would be reimbursed for damages. I allowed the clean up crew to take all of my belongings that were ruined in the basement to the dump because I had 100% guarantee that they would be replaced.

Date of City's decision (please attach):

Describe the Relief that you are seeking and any evidence that you have to support your claim. Please attach your original claim and other documents (receipts, photos, videos, etc.) that you would like the Court to review:

I am seeking roughly \$4000.00 in compensation for ~~for~~ damaged personal items, electronics, furnace, water heater, and washer.

Check one:



I would like to appear in person to explain my position to the Court.



I do not need to appear in person. I would like the Court to issue a decision based on its review of this form and the attached documents.

Signature:

Katherine Schuur

Date:

07/26/08

**** File this form and any relevant documents at the Clerk of Court's office in Room 103 of the Federal Courthouse, 100 E. 5th Street, Cincinnati, OH 45202; and send a copy to the City of Cincinnati, c/o Terry Nestor, 801 Plum St., Room 214, Cincinnati, OH 45202, and/or Fax: 513-352-1515.**

Metropolitan Sewer District
Wastewater Collection Division

Date: 03/18/08

Time: 10:42

Received: ERE

COMPLAINT FORM

CALLER INFORMATION

Name: SCHNUR KATTI

Agency: Private

Business Phone:

Address: 822 MARTINI RD CINCI

Home Phone: 386-7894

PROBLEM LOCATION

Address: 3110 MURDOCK AV

City/Township: CINC

Nearest Intersection: MURDOCK AV & HAWTHORNE AV

EAST P

Detailed Location Information: USNG 1M:GJL068930446

Condition Reported: Water - In - Basement

Comments: Water - In - Basement SEE ACTION COMMENTS

Current Condition: Water - In - Basement

ON SITE INSPECTION

Date: 03/18/08

Unit Number: 434

Dispatch Time: 10:48

Arrival Time: 11:20

Completion Time: 11:40

Condition Found: No Main Sewer Trouble

Action Taken:

Comments: WIBNow:Y SRC:Fldrain Freq:1st P:N NO PRIORS OR PLUMBER.

CK MHS US 28915008- DS 28915009 15ML O& R. C/ HAS WATER HOLDING @ FLOOR DRAIN IN BASEMENT. WATER IS 1' DEEP ALSO C/ HAS NO PROPER C/O ON 4 STACK PIPE CALLED G MILLER TO CALL FOR C/O TO BE INSTALLED ON ROD H/T A/C OF FINDING C/ WILL WAIT FOR CALL FROM PLUMBER. JASON HARRIS 3-18-08

G MILLER CALLED DUKE ENERGY @ 11:50, SELENA SAID CREW WILL BE THERE IN 1 HOUR. DAVE BALL WAS SENT TO PUMP OUT BASEMENT @ 12:00.

E-MAIL WAS SENT TO E.T.C. AS A POSSIBLE CLEANING @ 12:37 3-18-08. SHERRILL PLUMBING WAS CALLED TO INSTALL C/O ROD H/T @ 12:49 3-18-08. REFER TO TOM HAMBURG. ERIC WEITHERS 3-18-08.

PLUMBER CALLED @ 17:51 3-18-08 & SAID HE INSTALLED C/O & RODDED H/T.

HE H/H @ 71' IN ROW & COULD NOT PASS, TOOL CAME BACK SHINEY. SENDING TV TRUCK TO LAUNCH H/T. ERIC WEITHERS 3-18-08.

JOE JONES CALLED @ 19:15 & SAID THAT C/ H/T IS COMPLETELY COLLAPSED. HE MARKED LOCATION & MADE WITNESS SHEET. SENT TO E.T.C FOR CLEANING @ 19:38 3-18-08. CALLED GREG HOWARD & GAVE HIM INFO COPIED TO RANDY SCHNEIDER FOR REPAIR. REFER TO JERRY WEIMER FOR TV INFO, THEN REFER TO TOM HAMBURG. COPIED TO M MITCHELL & T ROLLISON. ERIC WEITHERS 3-18-08.

Job Order:

Last Referral:

Last Referral Date: 04/16/08

For:

Final Disposition

By:

Date: / /

Responsibility Of: Metropolitan Sewer District



**METROPOLITAN SEWER DISTRICT
OF GREATER CINCINNATI**

1600 Gest Street
Cincinnati, Ohio 45204
513•244•1300
www.msdc.org

James A. Parrott
Executive Director

May 30, 2008

Katherine Schnur
3110 Murdock Avenue
Cincinnati, Ohio 45205

RE: Water in Basement claim for 3110 Murdock

Dear Ms Schnur:

An investigation of your claim has determined that your Water in Basement incident was the result of a problem in your house lateral and not a problem in the public sewer. MSD repaired that part of your lateral within the street; MSD is responsible for the repair of all house laterals within streets. However, because the house lateral is owned by the owner of the building served by the lateral and not MSD, MSD must reject your claim for damages.

If you disagree with the City's disposition of your claim, in accordance with an order in the Consent Decree case, Federal District Court case # C-1-02-107, you may file a Request for Review with the Federal Court in Cincinnati, Ohio. You should file your Request within 90 days with the Clerk's Office of the Federal Court located in the Potter Stewart U.S. Courthouse, Room 103, 100 East 5th Street, Cincinnati, Ohio 45202. You may call the court-appointed Ombudsman, the Legal Aid Society, at (513) 362-2801 for further information concerning your rights under the Consent Decree.

Alternatively, you may appeal the decision through standard legal process in the courts of Hamilton County in the Hamilton County Municipal Court or the Court of Common Pleas. Both of these courts are located at 1000 Main Street.

Customer Service
513•352•4900

Emergency Service
513•352•4900

Sincerely,

A handwritten signature in black ink, appearing to read 'Dorothy Carman'.

Dorothy Carman
Assistant City Solicitor



To whom it may concern,

08/04/08

On March 13, 2008, my basement flooded with water. I contacted MSD and they did a fine job of getting the water out and fixing the problem in the street, and it took them all night to do it. I was guaranteed by Dave Ball of MSD that my belongings would be replaced and the cost of the repair to my hot water heater and furnace would be paid for by MSD. He explained that if the break was in the hill of my front yard I would be responsible for fixing my things, but as soon as the pipe gets to the sidewalk it became MSD's problem to fix and that they would then be responsible for fixing and replacing my belongings. He repeatedly told me that MSD would pay for my ruined belongings in the basement. He was very reassuring. When the MSD claims man came the next day he told me that he would take a picture of everything I wanted replaced because of damages (pictures are enclosed). He told me MSD was going to replace everything that I needed to be replaced. A cleaning crew, brought in by MSD, removed the damaged items from my house and told me they were taking them to the dump because it was unsafe to salvage them. I feel completely misled because MSD denied my claim, after their employees guaranteed my reimbursement. I understand the break was in the lateral pipe and MSD said this is the homeowners responsibility, when they denied my claim. I don't think I can dispute that, but I am disputing the fact that \$4000 of my personal property, baby toys, clothes, pianos, electronics etc.

were thrown away and I was completely misled as to what was going to happen to fix my things. I feel taken advantage of. I live in Price Hill and have two small children. I also go to Mount St. Joseph as a full time student. I am a low income resident trying to raise my children in a sound and secure environment. I do not have lots of money to buy extra things life has to offer, but the things we had were nice, quality items that we used on a daily basis. It is wrong to guarantee reimbursement, then not follow through. I am very disappointed in MSD and I need to be reimbursed for my items, just as they promised. There is a \$600 bill to Reupert for fixing our furnace and hot water heater, and about \$4000 worth of personal property was damaged and taken to the dump.

Sincerely,
Katherine Schnur
Katherine Schnur



































